

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHN F. OWENS and ELIZABETH
OWENS, Individually and as Joint Legal
Guardians and Next Friends of Michael
Deandre Owens, and MICHAEL DEANDRE
OWENS,

Plaintiffs,

v.

No. 05-2774 B

CORRECTIONS CORPORATION OF AMERICA,
et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
DENYING MOTION TO DISMISS, DENYING MOTION TO STRIKE,
GRANTING MOTION FOR ADDITIONAL TIME TO DEPOSE EXPERT
WITNESSES AND TO RESPOND TO DISCOVERY
AND GRANTING MOTION FOR NEW SCHEDULING ORDER

This cause is before the Court in connection with the report and recommendation of the magistrate judge on (1) the motion of the Defendants to dismiss the Plaintiffs' claims for failure to comply with Court orders and for failure to prosecute, (2) Plaintiffs' motion for an extension of time to take expert witness depositions, (3) the motion of the Plaintiffs for additional time to respond to discovery and for a new scheduling order, and (4) Defendants' motion to strike Plaintiffs' partial designation of expert witnesses or, in the alternative, motion in limine. In a report and recommendation filed November 17, 2006, the magistrate judge recommended that the Defendants' motions be denied¹ and the Plaintiffs' motions be granted. According to the Court's docket, no

¹The magistrate judge did, however, award counsel for the Defendants attorneys' fees and expenses.

objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

The Court has reviewed the magistrate judge's report and recommendation, and the entire record of the proceedings before the magistrate judge. No objections having been filed to the report and recommendation, the Court ADOPTS the magistrate judge's report and recommendation.

It is therefore ORDERED that the magistrate judge's report and recommendation filed November 17, 2006 be hereby ADOPTED, the Defendants' motions to dismiss and to strike be DENIED, the motions of the Plaintiffs for an extension of the deadline for taking expert witness depositions and to respond to discovery be GRANTED, and the motion for a new scheduling order be GRANTED. In accordance with the Court's finding, counsel shall promptly contact the chambers of the magistrate judge in order to set another scheduling conference.

IT IS SO ORDERED this 14th day of December, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE